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July 24, 2003

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Via Hand Carry to Examiner Frank Wei Min Lu Art Unit 1634

Re:

U.S. Utility Patent Application

Appl. No. 09/695,065; Filed: October 25, 2000

Methods of Manipulating and Sequencing Nucleic Acid Molecules Using

Transposition and Recombination

Inventors:

BRASCH et al.

Our Ref:

0942.5000001/RWE/BJD/JKM

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JUL **2 8** 2003

Sir:

TECH CENTER 1600/2900

Transmitted herewith for appropriate action are the following documents:

- Third Supplemental Information Disclosure Statement; 1.
- 2. List of cited references on Form PTO-1449 (6 sheets);
- 3. A copy of each reference cited on Form PTO-1449 (16 documents: AA8, and AS105-AR110); and
- 4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox P.L.L.C.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents July 24, 2003 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants Registration No. 42,473

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RWE/BJD/JKM/acr Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No. 1682

BRASCH et al.

Art Unit:

1634

Appl. No. 09/695,065

Examiner:

Lu, F.

Filed: October 25, 2000

For:

Methods of Manipulating and

Sequencing Nucleic Acid Molecules Using Transposition

and Recombination

Atty. Docket: 0942.5000001/RWE/BJD/JKM

Third Supplemental Information Disclosure Statement

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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Sir:

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Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed electronically on June 18, 2003, and Second Supplemental Information Disclosure Statement filed on June 17, 2003, in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

This Third Supplemental Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants Registration No. 42,473

Date: July 24, 2003

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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	AS	<u>106</u>	Cherapanov, excision of th	P.P., and Wackernaç e antibiotic-resistance	gel, W., "Gene disrup e determinant," <i>Gene</i>	tion in <i>Escherichia coli</i> : T 158: 9-14, Elsevier Scier	c ^R and K nce B.V.	m ^R cassel (1995).	ees with the opti	on of Flp-catalyzed		
	AT	106	Collis, C.M, and Chemoti	and Hall, R.M., "Expre nerapy 39: 155-162 (1	ssion of Antibiotic Re	esistance Genes in the Int	tegrated	Cassettes	s of Integrons," A	ntimicrobial Agents		
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	AS Ino, T., and Kutsukake, K., "Trans-acting Genes of Bacteriophages P1 and Mu Mediate Inversion of a Specific DNA Segme Flagellar Phase Variation of Salmonella," Cold Spring Harbor Symposia on Quantitative Biology 45: 11-16, Cold Spring Harl (1981).							egment Involved in Harbor Laboratory	
	АТ	107	Klippel, A. <i>et al</i> .	, "Isolation and ch	aracterization of unusual <i>gin</i> mutant	ts," The EMBO Jou			nc. (1988).
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AR 108 Langeveld, S 400, Springe	S.A. <i>et al.</i> , "Expression r-Verlag (1985).	on of an <i>Escherichia coli phr</i> gene in the	e yeast Saccharomy	ces cerev	zisiae," Mol. Gen. (Genet. 199: 396-		
AS 108 Miller, H.I. e	Miller, H.I. <i>et al.</i> , " <i>int</i> -h: an <i>int</i> Mutation of Phage λ That Enhances Site-Specific Recombination," <i>Cell 20</i> : 721-729, MIT (1980).							
AT <u>108</u> Okayama, H Cellular Biola	., and Berg, P., "Bact ogy <i>5</i> : 1136-1142, An	teriophage Lambda Vector for Transdu nerican Society for Microbiology (1985)	cing a cDNA Clone).	Library in	to Mammalian Cel	ls," Molecular and		
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	AS	109	Sauer, B., and Natl. Acad. Sci	nd Henderson, N., "Site-specific DNA recombination in mammalian cells by the Cre recombinase of bacteriophage P1, Sci. USA 85: 5166-5170, National Academy of Sciences (1988).							
	AT	109	Scott, S.D., and Macmillan Pub	d Marples, B., "Commen lishers Ltd. (2000).	nt on the use of the cre/loxp recombinase system for gene therapy vectors," Gene Therapy 7: 170						
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